

**IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL**

Criminal Misc. Application No. 681 of 2006

Sanjeev Kumar S/o Sri Lal Chand
R/o 21 Teg Bahadur Road
Dalanwala
District Dehradun

... Applicant

Vs

1. State of Uttaranchal
 2. City Magistrate, Dehradun
District Dehradun
 3. S.H.O. Police Station, Dalanwala
District Dehradun
 4. Mahendu Wlala Bagga
W/o Sri H.P. Bagga
R/o 16/17 Mohalla Shekwara Old Faridabad
Hariyana
 5. Anil Kumar S/o Sri Amir Chand Sharma
R/o Nathawala Donali
Raipur (Mandir Wala Makan)
Dehradun
- ... Respondents

Sri S.K. Mandal, learned counsel for the petitioner
Learned A.G.A. for the State.

Hon'ble B.C. Kandpal, J.

This petition has been filed by the petitioner – Sanjeev Kumar challenging the order dated 08.02.2006 passed by City Magistrate, Dehradun.

2. Brief facts of the case are that the Criminal Case No. 2 of 2003 State Vs Smt. Mahendu Wala & others under Section 145, 146 Cr.P.C. is going on before the court of City Magistrate, Dehradun. In the aforesaid case, an application was filed by the petitioner, which was rejected by the City Magistrate, Dehradun vide order dated 08.02.2006.

3. Feeling aggrieved by the aforesaid order, this petition has been filed by the petitioner with a prayer for

quashing the impugned order as well as the entire proceedings of the aforesaid criminal case.

4. Heard Sri S.K. Mandal, learned counsel for the petitioner, learned A.G.A. for the State and perused the record.

5. I do not find any abuse of process of the court in this case. The record reveals that the matter pending before the court of City Magistrate, Dehradun under Section 145, 146 Cr.P.C. is at the fag end.

6. Learned counsel for the petitioner has also submitted that earlier this Court directed the City Magistrate, Dehradun to decide the matter finally vide order dated 04.10.2005 within a period of three months but in spite of the order passed by this Court, the City Magistrate, Dehradun has not decided the matter within the stipulated time allotted by this Court.

7. In view of the aforesaid circumstances, I direct the City Magistrate, Dehradun to decide the matter pending between the parties within a period of 2 months “positively”, in accordance with law.

8. With the aforesaid observation, the petition is disposed of finally.

(B.C. Kandpal, J.)

21.08.2006
ASWAL